

good advocate. I do not take offense at his saying that I suggested the term "commissioner" is a new term. I did not suggest, Delegate Case, that the term "commissioner" is a new term. I suggested that the appointment of commissioners by the judiciary has not been tolerated in any other state constitution.

THE CHAIRMAN: You have one-quarter minute, Delegate Johnson.

DELEGATE JOHNSON: I sincerely hope and trust that Maryland will remain in the mainstream.

THE CHAIRMAN: Delegate Mudd, you have one and one-half minutes.

DELEGATE MUDD: Do you desire to speak in opposition to the amendment, Delegate James? I am happy to yield the minute and a half to Delegate James.

THE CHAIRMAN: Delegate James

DELEGATE JAMES: I would like to say that if you want to protect people, if you want to protect the public, protect their rights, you want people in office who know exactly what they are doing, what the peoples' rights are, who can stand between the individual and injustice.

The moment you give a man a right to issue a warrant, the moment you give an individual the right to say whether he can be arrested or not, this is a very serious function. I have been very close to this function. I have been a trial magistrate for a couple of years. I have had a little bit to do with appointing some of these committing magistrates.

I would like to say that if there is anything that can be done to reform this system it should be done.

I would also like to say that the committing magistrate or commissioners, as we now call them, should be part and parcel of the judicial administration, under the supervision and working in close cooperation with the district court. This would make a sensible system, just as the circuit courts now have power to appoint auditors, masters in chancery, all the officials who form part and parcel of the judicial system.

To place this matter back in the hands of the legislature is merely a perpetuation of the present system and if there is anything that needs reforming in the present system of courts, especially in the lower courts, it is the committing magistrate

system, which is disorderly and does not have good principles of administration.

THE CHAIRMAN: Under the debate schedule there is now available two minutes of uncontrolled but limited debate.

Does any delegate desire to speak in favor of the amendment?

Delegate Della.

DELEGATE DELLA: Mr. Chairman and fellow delegates:

Looking over the report of the Committee, I find nowhere do they provide for an examiner or master. To me a master is more important than a commissioner. I am informed a commissioner does not have to be a lawyer. Yet we all know examiners and masters must be.

Nothing in this report shows that a master must be appointed in this constitution. I do not know whether we are going to have masters or whether we are going to have examiners, but the Committee did see fit to name commissioners.

For all purposes I do not think he has to be a lawyer. He could be a layman. He could accept bonds. He is a clerk, so to speak.

Yet, the General Assembly has authority over the position of master and examiner; we gave to the General Assembly that power, and that power has been transferred over to the courts, so that the courts name the examiners and the masters.

I can understand the Maryland Bar Association fighting for commissioners. Probably that is the only way they are going to get lawyers there. They do not need them.

Unfortunately, after reading the bar report, there are over eighty lawyers in this Convention. If there is ever a conflict of interest it might be in this Convention by lawyers fighting for positions in the so-called judiciary system.

But if they were so interested in naming jobs, why did they not name the examiners? The examiner takes testimony. He makes recommendations to the court on what should be done.

Mr. Chairman, inasmuch as this is a position that can be created and the appointing power can be delegated over to the court if the General Assembly sees fit, I would have to be in favor of the proposal offered by Mr. Johnson and his colleagues in Amendment 13.